

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARLENE JOHNSON,) 1:05-CV-00171-OWW-SMS
)
Plaintiff,) ORDER RE: FINDINGS AND
v.) RECOMMENDATION THAT PLAINTIFF'S
) SOCIAL SECURITY COMPLAINT BE
MICHAEL J. ASTRUE,) GRANTED (DOCS. 1, 19)
)
Commissioner of Social)
Security,) ORDER DIRECTING REMAND PURSUANT
) TO SENTENCE FOUR of 42 U.S.C. §
Defendant.) 405(g)
)
ORDER DIRECTING THE CLERK TO
ENTER JUDGMENT FOR PLAINTIFF
ARLENE JOHNSON AND AGAINST
DEFENDANT MICHAEL J. ASTRUE

Plaintiff is proceeding with counsel and is seeking judicial review of a final decision of Michael J. Astrue,¹ the Commissioner of Social Security (Commissioner), denying an application for benefits.

On January 26, 2007, the Magistrate Judge filed findings and a recommendation that the Plaintiff's social security complaint be granted, the matter be remanded pursuant to sentence four of 42 U.S.C. § 405(g), and the Clerk be directed to enter judgment

¹ Michael J. Astrue is substituted for his predecessor as Commissioner of the Social Security Administration. 42 U.S.C. § 405(g); Fed. R. Civ. P. 25(d)(1).

1 for Plaintiff Arlene Johnson and against Defendant Michael J.
2 Astrue. The findings and recommendation were served on all
3 parties on January 26, 2007, and contained notice that any
4 objections to the findings and recommendations were to be filed
5 within thirty (30) days of the date of service of the order. No
6 party filed any objections.

7 In accordance with the provisions of 28 U.S.C. § 636
8 (b) (1) (C) and Britt v. Simi Valley United School Dist., 708 F.2d
9 452, 454 (9th Cir. 1983), this Court has conducted a *de novo*
10 review of the case. Having carefully reviewed the entire file,
11 the Court finds that the findings and recommendation filed on
12 January 26, 2007, are supported by the record and proper
13 analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. The findings and recommendation filed on January 26,
16 2007, are ADOPTED IN FULL; and

17 2. The Plaintiff's social security complaint IS GRANTED, and
18 the matter IS ORDERED remanded pursuant to sentence four of 42
19 U.S.C. § 405(g), for further consideration, consistent with this
20 decision, of Plaintiff's status as disabled, including whether or
21 not with the RFC found by the ALJ, Plaintiff could perform her
22 past relevant work, and, if appropriate, whether on the basis of
23 the Plaintiff's age, education, work experience, and residual
24 functional capacity, she could perform any other gainful and
25 substantial work within the economy; and

26 3. The Clerk of Court IS DIRECTED to enter judgment for
27 Plaintiff Arlene Johnson and against Defendant Michael J. Astrue.

28 1. Plaintiff's social security complaint BE GRANTED, and

1 2. The matter BE REMANDED pursuant to sentence four of 42
2 U.S.C. § 405(g) for further consideration, consistent with this
3 decision, of Plaintiff's status as disabled, including whether or
4 not with the RFC found by the ALJ, Plaintiff could perform her
5 past relevant work, and, if appropriate, whether on the basis of
6 the Plaintiff's age, education, work experience, and residual
7 functional capacity, she could perform any other gainful and
8 substantial work within the economy; and

9 3. Judgment BE ENTERED for Plaintiff Arlene C. Johnson and
10 against Defendant Michael J. Astrue.

11 This report and recommendation is submitted to the United
12 States District Court Judge assigned to the case, pursuant to the
13 provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 72-304 of the
14 Local Rules of Practice for the United States District Court,
15 Eastern District of California. Within thirty (30) days after
16 being served with a copy, any party may file written objections
17 with the court and serve a copy on all parties. Such a document
18 should be captioned "Objections to Magistrate Judge's Findings
19 and Recommendations." Replies to the objections shall be served
20 and filed within ten (10) court days (plus three days if served
21 by mail) after service of the objections. The Court will then
22 review the Magistrate Judge's ruling pursuant to 28 U.S.C. § 636
23 (b)(1)(C). The parties are advised that failure to file
24 objections within the specified time may waive the right to
25 appeal the District Court's order. Martinez v. Ylst, 951 F.2d
26 1153 (9th Cir. 1991). IT IS SO ORDERED.

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Dated: March 13, 2007

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/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE